

# MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, August 23, 2017**

## I. PLEDGE OF ALLEGIANCE

**Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

## II. ROLL CALL/ SEATING OF ALTERNATE

**Present:** Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Maglalang, Mohsin, Chua

**Absent:** Morris (excused)  
Alternate Member Chua was seated for voting.

**Staff:** Bradley Misner, Katy Wisinski, Lillian Hua

### III. PUBLIC FORUM

**Chair Mandal** invited members of the audience to address the Commission and there were no speakers.

#### IV. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the August 9, 2017 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 5

NOES: 0

ABSTAIN: 2 Ciardella, Mohsin

## V. ANNOUNCEMENTS

Planning Director Bradley Misner said staff sent a poll to check the availability of the commissioners for a special meeting but the meeting is no longer necessary, and he thanked the commissioners for their willingness to meet.

Commissioner Maglalang requested that the tree ordinance be agendized for a future meeting and made reference to protected trees and the June 22, 2016 Planning Commission meeting minutes.

## VI. CONFLICT OF INTEREST

**Deputy City Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

Commissioner Sandhu said he lives within 500 feet of 430 Evans Road and recused himself from Item IX-2.

## VII. APPROVAL OF AGENDA

**Chair Mandal** asked if staff or Commissioners had changes to the agenda.

Mr. Misner said Item IX-1 was being continued at the request of the applicant, and he recommended reversing the order of Items IX-2 and IX-3 so that Commissioner Sandhu could be present for the first item and then recuse himself and go home.

The agenda was approved as amended.

**VIII. CONSENT  
CALENDAR  
NO ITEMS**

**IX. PUBLIC HEARING**

**IX-1 TENTATIVE PARCEL MAP – 1504-1620 S. MAIN STREET – P-MM17-0001:** A request to approve a tentative parcel map entitlement for 1504-1620 S. Main St.

**ITEM CONTINUED**

**IX-2 HILLSIDE SOLAR CARPORT – 430 EVANS ROAD – P-SD17-0009:** A request for a Site Development Permit to construct a new carport with rooftop solar in the hillside.

This item was heard after Item IX-3.

Commissioner Sandhu left the council chambers at 7:50 PM

Project Planner Lillian Hua showed a presentation and reviewed the project.

Commissioner Mohsin asked if the carport will be visible from the street and Ms. Hua said it will be visible from Old Calaveras Road but not from Evans Road due to trees and shrubbery.

Chair Mandal asked if sunlight would reflect onto nearby properties and Ms. Hua was unsure but a representative from NRG Solar Company was present. He said the solar panels are tilted toward the sun and would be higher than the homes so reflections should not be an issue, and added that his company goes above and beyond any requirements for solar panels and he has never received complaints from neighbors about them.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Chua/Commissioner Maglalang

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 17-024 recommending approval of Site Development Permit SD17-0009 to the City Council, subject to the attached

Conditions of Approval.

Motion/Second: Vice Chair Madnawat/Commissioner Ciardella

AYES: 6

NOES: 0

### IX-3

**SPRIG CENTER/MCCARTHY BLVD – APN 022-30-048 – P-SD17-0003, P-UP17-0005, P-EA17-0001:** A request for a Site Development Permit, Conditional Use Permit, and Environmental Assessment for the construction of six structures, including a retail store, gas station with car wash and fueling canopy, and a mini-storage complex, totaling 188,011 square feet on a 9.34 acre site.

This item was heard before Item IX-2.

Commissioner Ciardella and Chair Mandal disclosed that they met with the developer of this project.

Commissioners Chua and Ciardella disclosed that they attended the groundbreaking ceremony for the McCarthy Creekside project.

Ms. Wisinski asked each commissioner who made a disclosure to confirm that they could fairly and impartially evaluate the hearing item before them and each commissioner stated they could.

Project Planner Lillian Hua showed a presentation and reviewed the project.

Vice Chair Madnawat asked why an EIR was prepared in 2009 and Ms. Hua said it was for the McCarthy Ranch mixed-use project south of this project site, and was prepared in anticipation that eventually all of the vacant land would be developed.

Vice Chair Madnawat asked if there were any findings that required mitigation and Ms. Hua said that as part of the resolution and conditions of approval (COA) the applicant is required to comply with the mitigation measures from the 2009 EIR.

Vice Chair Madnawat does not believe one break in the divider is large enough to accommodate the traffic. Ms. Hua said there is no plan to widen the road but the City Traffic Engineer evaluated the project and one traffic signal was required in the traffic study conducted as part of this project review.

Commissioner Maglalang asked what the statute of limitations is for the 2009 environmental assessment. Ms. Wisinski said when the 2009 EIR was completed it was anticipated that projects would come in over a number of years, and as they come in staff evaluates if there are any new impacts or mitigation measures that need to be changed to determine whether or not the EIR still stands. It has been determined that the proposed project is still within the scope of the 2009 EIR.

In regards to Vice Chair Madnawat's traffic questions, Mr. Misner referenced COA #29 G on page 14 of the resolution which addresses the removal of approximately 300 feet of the existing striped center turn lane, replacing it with a new, raised median island, including a left turn lane in the north bound of McCarthy Blvd to the main site driveway.

Ms. Hua said COA #29 C had indicated that full street width asphalt concrete would

be needed; however, staff worked with the applicant and revised the condition and the applicant will only be required to micro-surface up to the median island.

The project architect was present and does not anticipate any issues with the left turn lane. He said the traffic report was completed in 2009 and the traffic load they are currently bringing to the site is less than half of what that report was assuming.

Vice Chair Madnawat asked if there will be a barrier, such as a wall, to prevent wildlife from entering the site and the project architect said there will be a fence that he believes will do the job.

Mr. Misner said that while the initial traffic analysis was conducted with the EIR in 2009, the applicant did have a traffic study completed in the spring of 2017 which found that the traffic generation would be far less than anticipated in the EIR.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Chua

AYES: 7

NOES: 0

Commissioner Sandhu motioned to approve the project. Vice Chair Madnawat asked if he was amenable to having staff look into a barrier for wildlife.

Ms. Wisinski confirmed that Commissioner Sandhu's motion included the change to COA #29 C whereby the applicant will be required to improve the roadway to the median as opposed to the full width of the road.

Ms. Wisinski asked that Vice Chair Madnawat repeat his request and he said the intent is to provide a barrier to prevent wildlife from coming onto the parking lot and getting killed. Ms. Wisinski asked the architect to return and explain what the nature of the proposed fencing will be to determine if this is something that staff should explore further or might already be taken care of with the proposed fencing. The project architect said the water district does not want a wall and they have been directed not to install one. Vice Chair Madnawat said it was unnecessary to add a condition for a barrier.

**Motion** to Adopt Resolution No. 17-023 approving Site Development Permit P-SD17-0003, Conditional Use Permit P-UP17-0005, and Environmental Assessment P-EA17-0001, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

## **X. NEW BUSINESS**

### **NO ITEMS**

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:08 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Mohsin

AYES: 6

NOES: 0

*Meeting Minutes submitted by  
Planning Commission Secretary Elia Escobar*